

EXHIBIT M

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NUMBER: 04-11924-RGS

IAN J. BROWN, JAMES BROWN,
and BARBARA BROWN,

Plaintiff,

VS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC.,
and BOSTON EDISON COMPANY
d/b/a NSTAR ELECTRIC,

Defendant.

DEPOSITION OF
DONALD E. HORIGAN, JR.

October 17, 2005
10:48 a.m.

Manheimer & Charnas, LLP
210 Commercial Street
Boston, Massachusetts

Lauren Sullivan, Notary Public and
Professional Shorthand Reporter within and for
the Commonwealth of Massachusetts



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1 A. Transformers, certain designs,
2 limits on electrical voltages and wires;
3 things of that nature.

4 Q. When you say line work, could you
5 define that for us?

6 A. Installing and repairing and taking
7 down of electrical lines.

8 Q. When, approximately, did you cease
9 being a lineman grade A?

10 A. I'm uncertain in exact, but
11 somewhere in '93, I'd say.

12 Q. What was your next position?

13 A. Overhead inspector.

14 Q. And for how long were you an
15 overhead inspector, until when?

16 A. Up until present.

17 Q. What -- Strike that.

18 Did your duties change from when
19 you first became an overhead inspector
20 until today or are they essentially the
21 same?

22 A. Essentially the same.

23 Q. What are your duties as an overhead
24 inspector?



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1 A. Inspecting of poles, tool room,
2 line clearance, tree crews, line clearance
3 crews. And there's two other inspections,
4 mat inspections, which is a transformer
5 inspection.

6 Q. Did you say M-A-D, mad?

7 A. M-A-T.

8 Q. M-A-T, sorry.

9 A. And I've done vault inspections,
10 too. V-A-U-L-T, vault.

11 Q. That's an electrical vault.

12 A. Correct.

13 Q. And did you say tool room?

14 A. Tool room. The equipment and the
15 issue and return of equipment.

16 Q. And you said tree clearance.

17 A. Tree clearance also, trimming of
18 power lines.

19 Q. Have -- since you've been an
20 overhead inspector, have you always been
21 assigned to the same geographic area?

22 A. I have, up until February of this
23 year.

24 Q. February of 2005, right?



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1 A. Correct.

2 Q. And what geographic area were you
3 assigned?

4 A. The Waltham division.

5 Q. So is it fair to say that from
6 1993 until February 2005, you were an
7 overhead inspector assigned to the Waltham
8 division?

9 A. Yes.

10 Q. Is Bedford, Massachusetts within
11 the Waltham division?

12 A. It just became the Waltham division
13 on the closing of Woburn, which was -- I
14 can't recall the date.

15 Q. Was it before May of '01?

16 A. It was before May of '01, correct.

17 Q. So as of May of '01 at least,
18 Bedford was in the Waltham division.

19 A. Correct.

20 Q. And part of your responsibilities.

21 A. Correct.

22 Q. Can you estimate, approximately,
23 when that change over went into effect?

24 That is, Woburn closing and Waltham taking



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1 it over.

2 A. I can't -- '90s, that's all I
3 can...

4 Q. It was before 2000.

5 A. Before 2000.

6 Q. Let's focus for a moment on your
7 duties in terms of pole inspection.

8 Did you receive any training or
9 classes, either formal or informal, in
10 regard to pole inspection?

11 A. Informal training.

12 Q. And describe that for us, if you
13 could.

14 A. It was a supervisor that showed me
15 basic pole testing.

16 Q. Now, you used the term pole
17 testing; do you mean that to be
18 interchangeable with pole inspection?

19 A. They could be the same.

20 Q. Can you describe for, well --
21 strike that.

22 Have your duties changed since,
23 while you were -- Strike that.

24 While you were overhead inspector



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1 in the Waltham division, once Woburn was
2 closing and Waltham took over Bedford,
3 have your duties changed in terms of
4 overhead inspection?

5 A. No, they haven't.

6 Q. Tell us what your duties involved
7 in terms of pole inspection between 2000
8 and 2005, February of 2005.

9 A. Basically I'm given a list of poles
10 to test and I -- it's a hammer, I take a
11 hammer with me and a drill. There's plugs
12 and basically, I do a visual inspection of
13 the pole and a hammer sound test, and
14 determine the year, life expectancy of the
15 pole.

16 Q. So essentially your duties involve
17 testing the soundness of the timber or
18 wood that is the pole; is that correct?

19 A. Correct.

20 Q. Are there any other duties that you
21 had when you were overhead inspector,
22 between 2000 and February of 2005, in
23 regard to observing conditions involving
24 the poles which might be hazardous to the



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1 Q. So isn't it fair to say -- I'm not
2 trying to put words in your mouth, I'm
3 just trying to understand. But isn't it
4 fair to say that if there is nothing
5 written out, in regard to pole 37 on
6 Exhibit 10; isn't it fair to say that that
7 means that you didn't inspect the pole in
8 May of '01?

9 A. I'm not sure if it was inspected
10 and I'm not sure if it wasn't, why it
11 wasn't, I have...

12 Q. Well, was it your custom and
13 practice in May of 2001, that if you did
14 inspect a pole, you would make note of
15 that in a record such as Exhibit 10?

16 A. I would.

17 Q. Did you ever in May of 2001,
18 inspect a pole and not make a handwritten
19 notation in a form, such as Exhibit 10,
20 about your inspection?

21 A. Not that I can recall.

22 Q. What was Boston Edison or NSTAR's
23 policy during the time that you were
24 overhead inspector assigned to the Waltham



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1 division, in terms of how often each pole
2 in that district, or division, would be
3 inspected?

4 A. Could you repeat it?

5 Q. Yeah. During the time that you
6 were overhead inspector in the Waltham
7 division, which is about '93 and February
8 of 2005; what was Boston Edison or NSTAR's
9 policy, in regard to how often each
10 utility pole in that district, or
11 division, would be inspected?

12 A. I'm not sure. It wasn't determined
13 by -- I'm not sure who it was determined
14 by, but it was just given to me and then
15 I inspected it.

16 Q. So each day you would get a list
17 of poles to inspect.

18 A. Actually it came up yearly. That
19 schedule would come out and then through
20 -- the supervisor would hand me down the
21 book and would say, this is the poles we
22 gotta inspect this year.

23 Q. During the -- strike that.

24 Who would decide which poles would



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1 be inspected on a daily basis?

2 A. It wasn't determined.

3 Q. So you would be given a list in
4 the beginning of the year for which poles
5 were going to be inspected that year; is
6 that right?

7 A. Correct.

8 Q. And you would inspect as many as
9 you could each day.

10 A. Correct.

11 Q. And you would determine which poles
12 to inspect on which particular day.

13 A. Yes. It was given to me to come
14 up with a route and a method to inspect
15 it.

16 Q. And would you put that route and
17 method that you proposed in writing each
18 year?

19 A. I basically -- no, I wouldn't put
20 it in writing. I basically just did it
21 geographically. I picked a corner of the
22 town and worked my way through it.

23 Q. During the time from 1993 through
24 February of 2005, did you ever inspect



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1 poles more than once?

2 A. No. During the same year?

3 Q. Right. No, no, no. Let me try to
4 make the question a little clearer.

5 I'm trying to determine whether
6 during that period of approximately 12
7 years, whether your inspection cycle was
8 such that you would have inspected the
9 same pole at least two or three or four
10 times, etc.

11 A. It was given by towns. I'm trying
12 to think if I -- I did two towns in that
13 time frame. I mean, the same town in
14 that time frame, twice. I can't recall.

15 Q. So in that 12 year period, you may
16 have inspected some poles twice, but it
17 wouldn't have been more than twice; is
18 that fair to say? Except for an odd
19 situation like this litigation, for
20 example.

21 MR. CALLAHAN: Objection.
22 Deponent can answer.

23 A. As far as the town of Bedford with
24 that time frame, no.



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1 Q. So it's fair to say that when you
2 were overhead inspector between 1992 and
3 February of 2005, you inspected the poles
4 within the town of Bedford only once.

5 A. Correct.

6 Q. Except for this pole 37 and you
7 made a second inspection as a result of
8 the litigation; is that fair to say?

9 A. I'm not sure if I went out there
10 the first time. I went when I was told.

11 Q. Okay. But it certainly wouldn't
12 have been more than twice, correct?

13 A. Wouldn't of been more than twice.

14 Q. What is the life expectancy of
15 these utility poles, as far as you know.

16 A. I don't know a certain -- there's
17 new preservatives because of the
18 environment. They went from creosol to
19 pentex, and I don't know the exact life
20 expectancy now.

21 Q. Do they last -- I'm sorry, I didn't
22 mean to interrupt you.

23 Do they last longer than they used
24 to or not as long?



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